

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

ROBERT TROHA and FREDERICK BIGNALL)
on behalf of themselves and all others)
similarly situated,)
)
Plaintiff,)
vs.)
) Civil Action No. 05-191-E
THE UNITED STATES OF AMERICA,)
)
Defendant.)
)

)

JOINT MOTION FOR AN EXTENSION OF TIME

Plaintiffs, Robert Troha and Frederick Bignall, for themselves and all others similarly situated, and Defendant, the United States of America, through counsel, jointly move for an extension of time of sixty (60) days for the completion of discovery in this matter, up to and including, March 17, 2006. In support of their Motion, the parties aver:

1. The issue of liability in this action is dependent upon the nature of the title held by the Allegheny and Eastern Railroad, Inc. (the "Railroad") and its predecessors in title.
2. Documents relevant to title issues in this case include recorded and unrecorded deeds, pleadings and orders relating to condemnation proceedings and railroad corridor valuation maps and schedules.
3. The parties are diligently pursuing discovery and are acquiring all title documents from public sources, including from the National Archives in College Park, Maryland, and the Recorder of Deeds and Office of the Prothonotary for Elk and Cameron Counties, Pennsylvania.

4. Other relevant documents, including but not limited to unrecorded deeds and conveyancing instruments, are in the possession of the Railroad, to the extent they exist at all.

5. The parties have sought title documents from the Railroad. Counsel for the Railroad has represented to the parties that the Railroad will voluntarily produce all relevant title documents.

6. The parties respectfully request an enlargement of time of 60 days to complete discovery, up to and including March 17, 2006. The parties further request that all other deadlines tied to the close of this discovery period be adjusted accordingly.

7. The parties' Rule 26(f) report (Doc. 10) also proposed a deadline of December 20, 2005, for Plaintiffs to file their motion for class certification, or for the parties to file a stipulation regarding class certification. Although that deadline was not incorporated into the Case Management Order of October 14, 2005 (Doc. 12), the issue of class certification remains to be addressed in this case and is affected by the discovery that the parties are presently engaged in, as described above. Accordingly, the parties also request that the proposed deadline for addressing class certification by motion or by stipulation be extended by 60 days, to and including February 20, 2006.

8. The parties jointly submit the attached proposed order reflective of all dates to be extended.

Respectfully submitted,

Dated: December 28, 2005

s/David A. Cohen
DAVID A. COHEN
PA Bar I.D. No. 54342
Counsel of Record for Plaintiffs

THE CULLEN LAW FIRM
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
TEL: (202) 944-8600
FAX: (202) 944-8611

Dated: December 28, 2005

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment & Natural Resources Division

s/Kristine S. Tardiff
KRISTINE S. TARDIFF
Bar Identification No. NH10058
Counsel of Record for Defendant

U.S. Department of Justice
Environment & Natural Resources Division
Natural Resources Section
53 Pleasant Street, 4th Floor
Concord, NH 03301
TEL: (603) 230-2583
FAX: (603) 225-1577